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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,704	12/27/2001	Thomas E. Murphy	BS01-286	9260
38516	7590	03/20/2006	EXAMINER	
SCOTT P. ZIMMERMAN, PLLC PO BOX 3822 CARY, NC 27519			VAN HANDEL, MICHAEL P	
		ART UNIT		PAPER NUMBER
		2617		

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/026,704	MURPHY ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Michael Van Handel	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-31 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____ .

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 6-8, 10, 15, 16, 18, 19, 20-23, 25, 26, 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Friedel et al.

Referring to claims 1, 2, 6-8, 10, 15, 16, 18, 19, 20-23, 25, 26, and 30, Friedel et al. discloses a first network, comprising a first set top box 16 integrated with, or communicating with, a first television 20, the first set top box 16 having a first input for receiving content, a first output adapted to be received by the first television and a second output adapted to be received by a second set top box; the first set top box further comprising an input (microphone and camera) 26, 28 adapted to receive input information from a user, and the second set top box having a third output adapted to be received by a second television (col. 4, l. 15-57)(Figs. 1-3). Referring to claims 20 and 21, the USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claims 28 and 29, Friedel et al. discloses the set top box according to claim 19, further comprising another input adapted to receive information from a video camera or microphone (the examiner notes that either the microphone or camera is the second input of

claim 19 and that the one that is not the second input comprises another input)(col. 4, l. 39-54)(Fig. 3).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **3-5, 9, 11-14, 21, 24, 27, 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedel et al. in view of Ellis et al.

Referring to claims **3, 17, 27**, and **31**, Friedel et al. discloses the network/set top box according to claims 1, 10, 19, and 30, respectively. Friedel et al. does not disclose using text as input information. Ellis et al. discloses a data input device 140 for typing a text message to be sent to a different location (p. 10, paragraph 123). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Friedel et al. to include a data input device for typing a text message, such as that taught by Ellis et al. in order to provide a user with another convenient option for communicating between set-top boxes.

Referring to claims **4, 5, 9, and 24**, the combination of Friedel et al. and Ellis et al. teaches the network according to claims 1, 8, and 19, wherein the input information comprises pre-formatted messages and wherein the input information is retrieved from a memory device (Ellis et al. p. 10, paragraph 123)(Fig. 30).

Referring to claims 11-14, the combination of Friedel et al. and Ellis et al. teaches the network according to claim 10, wherein the second television signal includes pre-formatted text messages and so is different than the first television signal, and wherein the second television signal includes information retrieved from a memory device (p. 9-10, paragraphs 122, 123).

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

DeWeese et al. discloses a television chat system.

Fernandez et al. discloses a digital television with subscriber conference overlay.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571.272.7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Van Handel  
Examiner  
Art Unit 2617

MVH



VIVEK SRIVASTAVA  
PRIMARY EXAMINER